

**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

Name CARRANZA, ISMAEL T.  
 (Last) (First) (Initial)

Prisoner Number V-52236

Institutional Address P.O. Box 8504

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

ISMAEL TOVAR CARRANZA  
 (Enter the full name of plaintiff in this action.)

vs.

JAMES A. YATES, WARDEN

(Enter the full name of respondent(s) or jailor in this action)

Case No. \_\_\_\_\_  
 (To be provided by the clerk of court)

**PETITION FOR  
 OF HABEAS CORPUS**

**(PR)**

**Read Comments Carefully Before Filling In**

**When and Where to File**

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

Who to Name as Respondent

You must name the person in whose actual custody you are. This usually means the Warden or jailor. Do not name the State of California, a city, a county or the superior court of the county in which you are imprisoned or by whom you were convicted and sentenced. These are not proper respondents.

If you are not presently in custody pursuant to the state judgment against which you seek relief but may be subject to such custody in the future (e.g., detainees), you must name the person in whose custody you are now and the Attorney General of the state in which the judgment you seek to attack was entered.

A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

## 1. What sentence are you challenging in this petition?

- (a) Name and location of court that imposed sentence (for example; Alameda County Superior Court, Oakland):

County Superior Court Contra Costa  
Court Location

- (b) Case number, if known 5-040 321-2

- (c) Date and terms of sentence September 20, 2004

- (d) Are you now in custody serving this term? (Custody means being in jail, on parole or probation, etc.) Yes X No

Where?

Name of Institution: Pleasant Valley State Prison

Address: P.O. Box 8504, Coling, Ca. 93210

2. For what crime were you given this sentence? (If your petition challenges a sentence for more than one crime, list each crime separately using Penal Code numbers if known. If you are challenging more than one sentence, you should file a different petition for each sentence.)

Count One Murder Penal Code § 187, using a firearm and  
Count Two Penal Code §§ 187/664, using a firearm

3. Did you have any of the following?

Arraignment: Yes X No     

Preliminary Hearing: Yes X No     

Motion to Suppress: Yes X No     

4. How did you plead?

Guilty      Not Guilty X Nolo Contendere     

Any other plea (specify) MOTION TO DISMISS

5. If you went to trial, what kind of trial did you have?

Jury X Judge alone      Judge alone on a transcript     

6. Did you testify at your trial? Yes X No     

7. Did you have an attorney at the following proceedings:

(a) Arraignment Yes X No     

(b) Preliminary hearing Yes X No     

(c) Time of plea Yes X No     

(d) Trial Yes X No     

(e) Sentencing Yes X No     

(f) Appeal Yes X No     

(g) Other post-conviction proceeding Yes X No     

8. Did you appeal your conviction? Yes X No     

(a) If you did, to what court(s) did you appeal?

Court of Appeal Yes X No     

Year: 12-03 Result: Extradited to California

Supreme Court of California Yes X No     

Year: 08-30-06 Result: Denied Review

Any other court Yes      No     

Year: 10-30-07 Result: Traverse & Returned

(b) If you appealed, were the grounds the same as those that you are raising in this

1 petition? Yes ☐ No ☒

2 (c) Was there an opinion? Yes ☒ No ☐

3 (d) Did you seek permission to file a late appeal under Rule 31(a)?

4 Yes ☐ No ☒

5 If you did, give the name of the court and the result:

6 NORTHERN DISTRICT, Respondent request extension until 09-30-07

7 Court request Petitioner to file Traverse before 10-30-07

8 9. Other than appeals, have you previously filed any petitions, applications or motions with respect to  
9 this conviction in any court, state or federal? Yes ☐ No ☒

10 [Note: If you previously filed a petition for a writ of habeas corpus in federal court that  
11 challenged the same conviction you are challenging now and if that petition was denied or dismissed  
12 with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit  
13 for an order authorizing the district court to consider this petition. You may not file a second or  
14 subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28  
15 U.S.C. §§ 2244(b).]

16 (a) If you sought relief in any proceeding other than an appeal, answer the following  
17 questions for each proceeding. Attach extra paper if you need more space.

18 I. Name of Court: SUPERIOR COURT NORTHERN DISTRICT

19 Type of Proceeding: Traverse

20 Grounds raised (Be brief but specific):

21 a. No proof of evidence by DECLARATION OF BOB GATLIN

22 b. ATTORNEY refused to call Petitioner's witnesses to Testify

23 c. Prosecution admission of Falsify Evidence to mislead jury

24 d. Carmen Tovar and Agustin Herrera filed false statements

25 Result: Traverse Returned (see EXHIBITS) Date of Result: 10-31-07

26 II. Name of Court: \_\_\_\_\_

27 Type of Proceeding: \_\_\_\_\_

28 Grounds raised (Be brief but specific):

EDMUND G. BROWN JR.  
Attorney General of the State of California  
DANE R. GILLETTE  
Chief Assistant Attorney General  
GERALD A. ENGLER  
Senior Assistant Attorney General  
PEGGY S. RUFFRA  
Supervising Deputy Attorney General  
MICHAEL D. O'REILLEY  
State Bar No. 72144  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-5965  
Fax: (415) 703-1234  
Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**ISMAEL TOVAR CARRANZA**

Petitioner,

v.

**JAMES A. YATES, WARDEN,**

Respondent.

No. C 07-1114 MHP (PR)

**[PROPOSED] ORDER**

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that respondent may have until September 30, 2007, to answer or file another pleading responsive to the petition for writ of habeas corpus. If petitioner wishes to respond to the answer, he shall do so by filing a traverse iwth the Court and serving it on petitioner on or before October 30, 2007.

DATED: \_\_\_\_\_

\_\_\_\_\_  
MARILYN HALL PATEL  
United States District Judge



I, ISMAEL TOVAR CARRANZA, declare:

That I am over 18 years of age, and a party to the attached herein cause of action, that I reside at Pleasant Valley State Prison in the county of Fresno, California. My mailing address is: PLEASANT VALLEY STATE PRISON FACILITY D, BUILDING 2, CELL 220-L, POST OFFICE BOX 8504, COALINGA, CALIFORNIA 93210-8504

On October 28, <sup>2007</sup>~~2005~~, I delivered to prison officials for the mailing, at the above address, the attached documents: TRAVERSE TO RETURN TO PETITION FOR WRIT OF HABEAS CORPUS.

In sealed envelope(s) with postage fully prepaid, addressed to the following locations:

(1) U.S. DISTRICT COURT  
450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA 94102

~~(2) Deputy Attorney General  
455 Golden Gate Ave., Suite 11000  
San Francisco, CA. 94102-7004~~

(3) \_\_\_\_\_

~~(4) \_\_\_\_\_~~

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28 day of October, 2005, at Coalinga, CA 93210.

Respectfully submitted,

Ismael Carranza-T.

ISMAEL TOVAR CARRANZA  
PLEASANT VALLEY STATE PRISON  
P.O. BOX 8504  
COALINGA, CA. 93210  
IN PRO SE

SUPERIOR COURT of CALIFORNIA  
COUNTY of NORTHERN SAN FRANCISCO

ISMAEL TOVAR CARRANZA,	)	CASE No. 5-040321-2
PETITIONER	)	
	)	TRAVERSE TO RETURN TO
vi	)	PETITION FOR WRIT OF
JAMES YATES, WARDEN,	)	HABEAS CORPUS.
RESPONDENT	)	
	)	

I ISMAEL TOVAR CARRANZA, Petitioner, makes this Traverse to Respondent's Return to Show Cause Petition for Writ of Habeas Corpus and alleges as follows:

1. Paragraph Number One of Respondent's Return is not true;
  - (a.) True Fact, prosecution allowed Exhibit "6", to consider facsimile weapon as evidence to the jury as evidence, alleging the trial court to abuse it's Discretion by the Admission of FALSIFY-EVIDENCE Exhibit "6 A", using the firearm as a weapon to mislead the jury as the firearm used in the crime.
  - (b.) True Fact, the trial court had NO Evidence of the actual weapon used in the crime as proof, trial court was mislead with false evidence. Mr. Grady Goldman, Santa Clara County Crime Laboratory as the assistant crime Laboratory Direct, testified, no weapon was found.

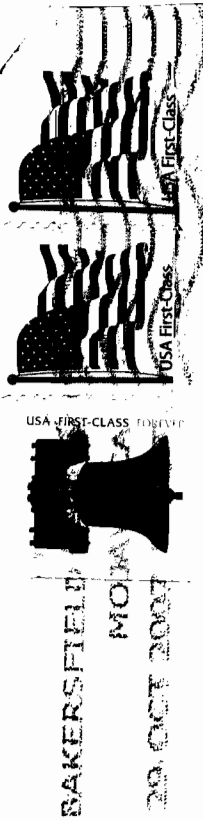
EXHIBIT

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ISMAEL TOVAR CARRANZA  
P.V.S.P. D-2-220-U  
P.O. Box 8504  
COALINGA, CA. 93210  
V-52236

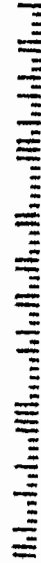
CLERK OF THE DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

LEGAL MAIL



OFFICE OF THE CLERK  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA 94102

94102+3561





1 a. \_\_\_\_\_  
2 b. \_\_\_\_\_  
3 c. \_\_\_\_\_  
4 d. \_\_\_\_\_  
5 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

6 III. Name of Court: \_\_\_\_\_  
7 Type of Proceeding: \_\_\_\_\_  
8 Grounds raised (Be brief but specific):  
9 a. \_\_\_\_\_  
10 b. \_\_\_\_\_  
11 c. \_\_\_\_\_  
12 d. \_\_\_\_\_  
13 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

14 IV. Name of Court: \_\_\_\_\_  
15 Type of Proceeding: \_\_\_\_\_  
16 Grounds raised (Be brief but specific):  
17 a. \_\_\_\_\_  
18 b. \_\_\_\_\_  
19 c. \_\_\_\_\_  
20 d. \_\_\_\_\_  
21 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

22 (b) Is any petition, appeal or other post-conviction proceeding now pending in any court?  
23 Yes \_\_\_\_\_ No X

24 Name and location of court: \_\_\_\_\_

25 B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to  
27 support each claim. For example, what legal right or privilege were you denied? What happened?  
28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent  
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,  
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: DECLARATION OF BOB GATLIN, Dated 02-02-04 was never  
6 read in court as Evidence, nor was he called to testify.

7 Supporting Facts: A true copy of the DECLARATION which I have and  
8 Bob Gatlin is the Chief Court Reporter for the Contra Costa County  
9 Superior Court, make this declaration in connection with the  
10 Defendant's motion to dismiss for lack of a speedy Trial.

11 Claim Two: Petitioner's Two witnesses were never called to testify  
12 in court, by his Attorney or counselor.

13 Supporting Facts: Petitioner's witnesses, Mr. Lui Del Barba, from <sup>Oakle,</sup> ~~Holt~~  
14 Contra Costa, California and Mr. Eddie Vierg, from Holt,  
15 San Joaquin, California, were never called to testify in court  
16 which the witnesses informed the Petitioner

17 Claim Three: Petitioner arrested by false phone statement report  
18 and the court never informed Petitioner of the false acquisitions.

19 Supporting Facts: Carmen Tovar and Agustin Herrera, phoned Contra  
20 Costa County District Attorney's Office, filed false report to stop  
21 Petitioner's ATTORNEY GUNSALO DURAN<sup>TES</sup>, legal court actions in  
22 ZACAPU MICH, MEXICO, for legal property Battle settlement.

23 If any of these grounds was not previously presented to any other court, state briefly which  
24 grounds were not presented and why:

25 Claim One: Recently received Declaration of Bob Gatlin, Claim Two: Recently  
26 was informed witnesses were dismissed, and Claim Three: Recently  
27 received MEMORANDUM OF POINTS AND AUTHORITIES on 09-13-07,  
28 and was unaware of false acquisition by family members.

1 List, by name and citation only, any cases that you think are close factually to yours so that they  
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning  
3 of these cases:

4 Jackson v. Virginia, 443 U.S. 307 99 S. CT. 2781

5 Thompson v. Louisville, 362 U.S. 199, 80 S. CT. 624 4 L. Ed. 2d. 654

6 Freeman v. Zahradnick, 429 U.S. 1111, 97 S. CT. 1850, 51 L. Ed. 2d. 566.

7 Do you have an attorney for this petition? Yes \_\_\_\_\_ No X

8 If you do, give the name and address of your attorney:

9 \_\_\_\_\_  
10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in  
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

12  
13 Executed on 2-15-08

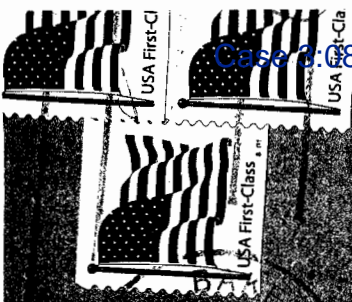
14 Date

Ismael Carranza .T

Signature of Petitioner

15  
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20 (Rev. 6/02)





**RECEIVED**

MAR 19 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
430 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA 94102

SHANE KOWALSKI  
LEASANT VALLEY STATE HOUSING  
PO BOX 8504  
OAKLAND, CA 94612-8504

LEG  
MAIL



3/16/08  
D. M. [Signature]

